

FILED  
CHARLOTTE, NC  
JAN 28 2014

US District Court  
Western District of NC

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

MISC. 3:14MC005

IN THE MATTER OF	:	
	:	
REQUIRING A FACTUAL BASIS	:	ORDER
	:	
STIPULATION BE FILED IN ALL	:	
	:	
CRIMINAL CASES	:	

For good cause appearing to the Court that a factual basis containing the actual offense conduct will greatly speed up the presentencing process, **IT IS ORDERED** that:

At the time of the entry of a plea, unless otherwise ordered by the Court, counsel for the defendant and the government will submit a written stipulation of facts captioned "Factual Basis" relevant to sentencing which will set forth:

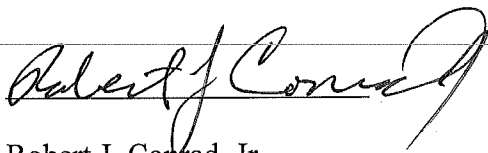
- (1) A summary of the facts that are supported by the evidence that comprise the offense conduct to which the defendant is admitting as a basis for the plea (including loss and drug amounts);
- (2) Victim and restitution considerations including the names and addresses of all victims who are to receive restitution;
- (3) Contain all offender characteristics;
- (4) Omit all misleading facts; and,
- (5) Set forth with meaningful specificity the reasons why the sentencing range resulting from the plea of guilty is appropriate.

To the extent that the parties disagree about any facts relevant to sentencing the stipulation shall identify the facts that are in dispute. The Court will not be bound by the stipulation unless it is a binding plea agreement pursuant to FED.R. Crim. P. 11 (c)(1)(C).

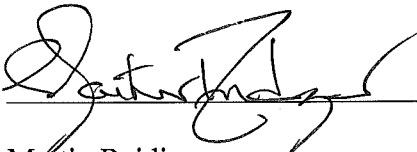
The "Factual Basis" shall be signed the defendant, their counsel and the attorney for the government.

This Order applies to all cases in which the defendant is pleading guilty, whether the plea is pursuant to a plea agreement or is "straight-up". In any case where the parties cannot agree as to any such factual basis, the government shall submit its summary of what the evidence shows regarding the defendant's guilt, and the defendant shall submit his own statement setting forth those facts to which he is admitting that he contends form the factual basis for his plea. Exempt from this order, however, are all cases for which a plea agreement has been filed with the Court prior to the entry of this Order.

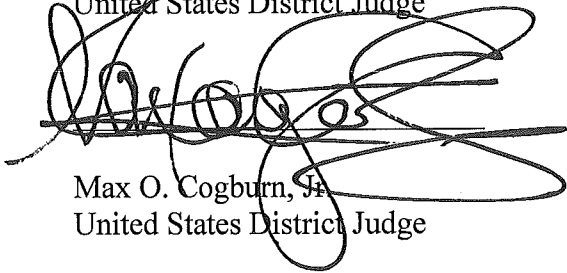
SO ORDERED This 16<sup>th</sup> of January, 2014.



Robert J. Conrad, Jr.,  
United States District Judge



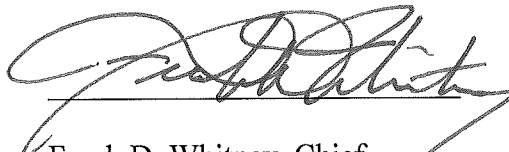
Martin Reidinger  
United States District Judge



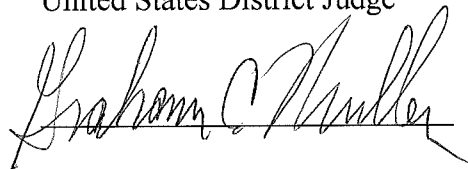
Max O. Cogburn, Jr.  
United States District Judge



Richard L. Voorhees  
United States District Judge



Frank D. Whitney, Chief  
United States District Judge



Graham C. Mullen,  
Senior United States District Judge